

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES OTIS CATER,)	
)	
Petitioner,)	
)	
v.)	Civil Action No.2:07cv739-MEF
)	
DARLENE DREW,)	
WARDEN, FPC MONTGOMERY,)	
)	
Respondent.)	

ORDER ON MOTION

It is a rule of this court that if, after considering a prisoner's affidavit for *in forma pauperis* treatment, it is determined that the prisoner is financially able to pay the appropriate filing fee, he must do so.

Upon consideration of the fact that Petitioner had an available balance of \$47.18 in his prison account at the time he filed this application for habeas relief, it is the opinion of the Magistrate Judge that Petitioner is able to pay the applicable \$5.00 filing fee.

Accordingly, it is ORDERED that:

1. On or before September 14, 2007, Petitioner shall forward to the Clerk of the Court the \$5.00 filing fee; and
2. Except to the extent that payment is required under this order, Petitioner's motion for leave to proceed *in forma pauperis* (Doc. No. 2) is GRANTED. Petitioner is cautioned that his failure to comply with this order will result in a Recommendation by the undersigned

that the instant petition be dismissed.

Done this 24th day of August, 2007.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE